

## Surface Mining Reclamation and Enforcement, Interior

## § 756.17

(e) Addition or removal of the following rules, as submitted to OSM on March 2 and 8, 2001, is approved effective July 31, 2001:

Section II, subsections M, 2, 2(a), 2(a)(1), 2(a)(2), and 2(a)(3), noncoal reclamation after certification (removed);

Section II, subsection O, 1, Exclusion of Noncoal Reclamation Sites (removed);

Section II, subsection O, subsection heading "NONCOAL RECLAMATION AFTER CERTIFICATION;"

Section II, subsection O, 1, applicability of subsection O;

Section II, subsections O, 2, 2(a) through 2(c), objectives and priorities;

Section II, subsection O, 3, enhancement of facilities and utilities;

Section II, subsection O, 4, determination of need for activities and construction of specific public facilities and submittal of grant applications;

Section II, subsection O, 5 through 5(h), requirements for grant applications submitted under subsection O.4 to meet;

Section II, subsection O, 6, exclusion of certain noncoal reclamation sites;

Section II, subsection O, 7, land acquisition authority for the noncoal program;

Section II, subsection O, 8, lien requirements;

Section II, subsection O, 9, limited liability;

Section II, subsection O, 10, contractor responsibility; and

Section II, subsection P, subsection heading, "RESERVED" (removed).

[59 FR 49185, Sept. 27, 1994, as amended at 60 FR 20195, Apr. 25, 1995; 62 FR 18272, Apr. 15, 1997; 66 FR 39443, July 31, 2001]

### § 756.15 Required amendments to the Navajo Nation's abandoned mine land plan.

Pursuant to 30 CFR 884.15, the Navajo Nation is required to submit to OSM by the date specified either a proposed amendment or a reasonable timetable, which is consistent with the Navajo Nation's established administrative and legislative procedures, for submitting an amendment to the Navajo Nation plan.

[61 FR 6508, Feb. 21, 1996]

### § 756.16 Approval of the Hopi Tribe's abandoned mine land reclamation plan.

The Hopi Tribe's Abandoned Mine Land Reclamation Plan as submitted in July 1983, and amended in March and May 1988, is approved. Copies of the ap-

proved Plan are available at the following locations:

(a) The Hopi Tribe, Hopi Abandoned Mine Land Program, Department of Natural Resources, Honahni Building, P.O. Box 123, Kykotsmovi, AZ 86039, Telephone: (520) 734-2441.

(b) Office of Surface Mining Reclamation and Enforcement, Albuquerque Field Office, 505 Marquette Ave., NW., Suite 1200, Albuquerque, NM 87102, Telephone: (505) 248-5070.

[61 FR 6508, Feb. 21, 1996]

### § 756.17 Approval of the Hopi Tribe's abandoned mine land reclamation plan amendments.

The following amendments to the Hopi Tribe's abandoned mine land reclamation plan are approved.

(a) The Hopi Tribe certification of completion of coal reclamation, as submitted on February 2, 1994, is approved effective June 9, 1994.

(b) With the exceptions of part I, concerning the purpose of the Hopi tribe plan; section I, A(3) concerning facilities related to water supplies; section I, A(4), concerning public facilities projects; section II, B(1)(d)(ii), concerning the protection of property; and section 884.13(f)(2), concerning a description of aesthetic, cultural and recreational conditions of the Hopi Reservation, revisions to and additions of the following plan provisions, as submitted to OSM on November 2, 1995, are approved effective April 23, 1996.

Table of Contents—Title of Part II and List of Appendices;

List of Addenda and Errata—Title for this part;

List of Figures—Title of Figure 4 and deletion of Figure 5;

Preface to Amended Reclamation Plan—Introductory paragraph, program goals and objectives, and eligible projects;

Chairman's Letter of Designation and Hopi Tribe Resolution—Designation of Tribal agency authorized to administer approved plan;

Opinion of Legal Counsel—Authority of designated agency to conduct the AMLR program in accordance with the requirements of Title IV of SMCRA;

Section I, A(1)—Protection of the health, safety, and general welfare of members of the Hopi Tribe;

Section I, A(2)—Restoration of land and water resources;

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Section I, B—Designation of administrative authority;  
Section I, C—Reclamation priorities;  
Sections I, C (4) and (5)—Deletion of existing C(4) and recodification of C(5) and (6) as C(4) and (5);  
Section I, C—Deletion of allocation of funds provisions;  
Section II, A—[Lack of] Limited liability provision for coal;  
Section II, A(1)—Abatement of any new coal problems that arise after the effective date of the certification of completion of coal reclamation;  
Sections II, A(1) (a) through (f)—Eligible coal lands and water;  
Section II, (A)(1)(g)—Contractor responsibility;  
Section II, A(1)(h)—Reports;  
Sections II, B(1) (a) and (b)—Eligible lands and water subsequent to certification;  
Sections II, B(1)(c), (d) (i) and (iii), (e), and (g)—Reclamation priorities for noncoal program;  
Section II, B(1)(f)—Need for activities or construction of specific public facilities related to the coal or mineral industry on Tribal lands impacted by coal or mineral development;  
Section II, G—Reports;  
Sections II, C through F—Exclusion of certain noncoal reclamation sites, noncoal land acquisition authority, limited liability, and contractor responsibility;  
Section II, H and [deletion of] ranking and selection of noncoal reclamation projects and Table I, Comprehensive/Problem Evaluation Matrix—Description of needs, proposed construction and activities;  
Part III—Coordination of Tribal AML programs with other programs;  
Section IV, A(1)—Acquisition of lands by the Hopi Tribe;  
Section IV, A(2)(a)(i)—Appraisals;  
Section IV, A(2)(b)—Lands eligible for acquisition;  
Sections IV, A(2) (c), (d), (e), B(2), and C—Land acquisition, management, and disposal;  
Section IV, B(1)—Management of acquired lands;  
Part V and Figures 1 and 2—Reclamation on private land;  
Section VI, A, B, and C—Rights of entry;  
Deletion of section VI, C—Entry for emergency reclamation;  
Part VII—Hopi Department of Natural Resources (DNR) policy on public participation;  
Part VIII and Figure 4—Organization of the Hopi Tribe;  
Part IX—Personnel staffing policies;  
Part X—Purchasing and procurement;  
Part XI—Management accounting;  
[Deletion of] sections 884.13(e) (1), (2), and (3)—Purpose of Hopi Tribe plan and criteria for ranking and identifying projects;

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Part XII—Economic conditions of the Hopi Reservation;  
Part XIII—Flora and fauna;  
Appendices 1 through 12—Addition of cover pages;  
Appendix 1—Constitution and By-Laws of the Hopi Tribe, as amended;  
Appendix 7—Title of the appendix;  
Memorandum from the Assistant General Counsel/Legislation Counsel to DNR dated May 18, 1995—Elimination of Title IV from the draft Hopi Code Mining Ordinance;  
Hopi Tribal Council Resolution H-134-89, adopted August 29, 1989; and  
Memorandum from the Hopi Tribe Office of Financial Management to DNR dated September 7, 1995—Purchasing procedures.

(c) Revisions to, additions of, or deletions of the following plan provisions, as submitted to OSM on September 23, 1996, are approved effective March 31, 1997:

Preface to Amended Reclamation Plan—Introductory paragraph and Eligible Projects;  
Section I, A—Purpose of Hopi plan;  
Section II, A(1)—Certification of Completion of Coal Sites;  
Section II, A(1)(a)—Eligible Coal Lands and Water;  
Section II, A, (1)(g)—Contractor Responsibility (for coal reclamation);  
Section II, (A)(1)(i)—Limited Liability (for coal reclamation);  
Sections II, (B)(1)(d) and (d)(ii)—Noncoal Reclamation After Certification;  
Sections II, (B)(1)(h), (i), and (j)—Limited Liability, Contractor Responsibility, and Reports (for noncoal reclamation);  
Deletion of sections II, E, F, and G—Limited Liability, Contractor Responsibility, and Reports (for noncoal reclamation);  
Section II, E—Description of Needs, Proposed Construction and Activities;  
Sections IV, (A)(1) and (B)(1)—Acquisition and Management of Acquired Lands;  
Sections VI, A(1) (a) through (c) and B(1)—Consent to Entry and Public Notice;  
Section VII, B(8)—Public Participation;  
Section VIII—Organization of the Hopi Tribe;  
Section XII—Description of Aesthetic, Cultural and Recreational Conditions of the Hopi Reservation; and  
Section XIV—Flora and Fauna.

[61 FR 17839, Apr. 23, 1996, as amended at 62 FR 15115, Mar. 31, 1997]

### § 756.18 Required amendments to the Hopi Tribe's abandoned mine land reclamation plan.

Pursuant to 30 CFR 884.15, the Hopi Tribe is required to submit to OSM by the date specified either a proposed